

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Lampropoulos.

Confirmation No. 8090

Application No. 10/800,071

Filed: March 11, 2004

For: **INTEGRAL FLUSHING DEVICE**

Group Art Unit: 3763

Examiner: Manuel A. Mendez

Attorney Docket No. 37621/295

Date: May 28, 2009

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Responsive to the Notice of Abandonment dated May 12, 2009 ("Notice of Abandonment"), Applicant respectfully petitions under 37 CFR 1.181(a) for withdrawal of the holding of abandonment.

REMARKS

The Notice of Abandonment indicates that the “application went abandoned in view of Applicant’s failure to timely file a proper reply to the Office letter mailed on 29 October 2008.” The Notice of Abandonment further indicates that “No reply has been received.”

Applicant respectfully submits that a proper reply was filed on April 29, 2009, with a three month extension of time and proper fees. A copy of the acknowledgement receipt is attached hereto. In addition, Applicant’s Attorney has spoken to the Examiner in the case, and confirmed that the Notice of Abandonment was sent by mistake.

Applicant hereby petitions that the abandonment of this application be withdrawn.

Respectfully,

Merit Medical Systems, Inc.

By, /Ryan D. Benson/
Ryan D. Benson
Registration No. 54,767

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Acknowledgement Receipt

The USPTO has received your submission at **17:22:37** Eastern Time on **29-APR-2009** by Deposit Account: 502375.

\$ **1110** fee paid by e-Filer via *RAM* with Confirmation Number: 3701.

eFiled Application Information

| | |
|---|------------------------------------|
| EFS ID | 5244969 |
| Application Number | 10800071 |
| Confirmation Number | 8090 |
| Title | Integral flushing device |
| First Named Inventor | Fred P. Lampropoulos |
| Customer Number or Correspondence Address | 69821 |
| Filed By | R. Whitney Johnson/Traci McFarland |
| Attorney Docket Number | 37621/295.1 |
| Filing Date | 11-MAR-2004 |
| Receipt Date | 29-APR-2009 |
| Application Type | Utility under 35 USC 111 (a) |

Application Details

| Submitted Files | Page Count | Document Description | File Size | Warnings |
|--------------------------|------------|---|--------------|----------|
| Transmittal.pdf | 1 | Miscellaneous Incoming Letter | 121972 bytes | ◆ PASS |
| ExtensionOfTime.pdf | 2 | Extension of Time | 167496 bytes | ◆ PASS |
| AmendmentandResponse.pdf | 24 | Amendment/Req. Reconsideration-After Non-Final Reject | 189204 bytes | ◆ PASS |
| fee-info.pdf | 2 | Fee Worksheet (PTO-875) | 29939 bytes | ◆ PASS |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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